



CNR: KAHC010709402025

NC: 2026:KHC:41723
CRP No. 803 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 803 OF 2025 (IO)

BETWEEN:

SRI B.H.KANTHARAJU
S/O SRI HANUMANTHAIAH,
AGED ABOUT 47 YEARS,
RESIDENT OF NO.112, 1ST CROSS,
NAGADEVANAHALLI,
JNANABHARATHI POST,
KENGARI HOBLI,
BENGALURU SOUTH TALUK-560056.

...PETITIONER

(BY SRI. BALARAJ A.C., ADVOCATE)

AND:

SRI.C. NAGARAJU
S/O LATE CHIKKANNA,
AGED ABOUT 53 YEARS,
RESIDENT OF NO.30,
JAYAMMA BUILDING,
MAHALINGESHWARA EXTENSION,
GOLLARAHATTI, ADUGODI,
BENGALURU-560 030

...RESPONDENT

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST
THE ORDER DATED 19.09.2025 PASSED ON IA NO.III IN
OS NO.607/2020 ON THE FILE OF PRL. CIVIL JUDGE,

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



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BENGALURU RURAL DISTRICT, BENGALURU., REJECTING THE IA NO.III FILED UNDER ORDER VII RULE 11(d) R/W SEC.151 OF CPC., FOR REJECTION OF PLAINT.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The petitioner is before this Court aggrieved by the order dated 19.09.2025 passed in I.A.No.3 in O.S.No.607/2020 by the Principal Civil Judge, Bengaluru Rural District, Bengaluru.

2. The respondent herein has filed a suit for cancellation of the sale deed. It is the case of the plaintiff that, after the death of the father, a GPA was executed in favour of the petitioner. The petitioner, who is the defendant in the suit had filed an application under Order VII Rule 11 CPC seeking rejection of the plaint on the ground that the suit is barred by limitation. In support of the I.A, an affidavit is filed. In the affidavit, it is stated that there was an exchange of notices between the parties way back in the year 2004-05, and that



they had knowledge of the same. They filed a suit in the year 2020. As the suit is miserably barred by limitation, the same has to be rejected.

3. The trial Court, by order impugned has rejected the application seeking rejection of the plaint. While passing the order, the trial court observed that a plea of limitation is a mixed question of law and fact, it requires applying the law of limitation to the specific facts of the case, such as when the cause of action arose and when the plaintiff gained knowledge of it. As a result, the issue generally cannot be decided summarily without allowing the parties to present evidence, and a plaint cannot typically be rejected on grounds of limitation at the initial stage, as it involves disputed facts. Therefore, without a full-fledged trial, the Court cannot reject the plaint on the ground of limitation and accordingly rejected the application.

4. Learned counsel appearing on behalf of the petitioner submits that the notices exchanged between the parties makes it clear that the parties were in knowledge of the document way back in the year 2004-05, and therefore the



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question of filing a suit in 2020 does not arise. It is submitted that limitation is necessarily a question of law, not of fact in this case. It is further submitted that, on the face of it, without going into other aspects, the trial court could have dealt with the same, but without appreciating the same, the court has rejected the impugned order, and the order needs to be set aside and the plaint is liable to be rejected.

5. Heaving heard learned counsel for the petitioner, perused the material on record. The suit is filed for cancellation of the sale deed. Admittedly, the sale deed was executed in the year 2004. According to the plaintiff, the father died in the year 1992. The GPA is of the year 1996. According to them, after the father's death, the document was executed, and there is fraud. The petitioner/defendant relies upon the notice exchanged between the parties. However, that does not find part of the plaint. In these circumstances, while considering an application under Order VII Rule 11 CPC, the Court cannot look at the defence put forth by the defendant; the Court can alone look at the plaint and the documents filed in support of the same. In these circumstances, the trial court has rightly



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rejected the application, and this Court finds no reason to interfere. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***
- ii. Pending IAs., if any, shall stand closed.

**Sd/-
(LALITHA KANNEGANTI)
JUDGE**

PKN
List No.: 1 Sl No.: 46